

**VIRGINIA BOARD OF NURSING
FORMAL HEARINGS
October 5, 2010**

TIME AND PLACE: The meeting of the Virginia Board of Nursing was called to order at 9:05 A.M. on October 5, 2010 in Board Room 4, Department of Health Professions, 9960 Mayland Drive, Suite 201, Henrico Virginia.

**BOARD MEMBERS
PRESENT:**

Florence Jones-Clarke, R.N., M.S., Vice President
Evelyn Lindsay, L.P.N.
Jeanne Holmes, Citizen Member
Patricia C. Lane, R.N., B.S.N.
Judith E. Piersall, R.N., B.S.N.

STAFF PRESENT:

Jodi P. Power, R.N., J.D., Deputy Executive Director
Gloria D. Mitchell, R.N., M.S.N., M.B.A., Deputy Executive Director
Darlene Graham, Administrative Assistant

OTHERS PRESENT:

Howard M. Casway, Senior Assistant Attorney General
Rachel Williams, Assistant Attorney General (observed)

**ESTABLISHMENT OF
A QUORUM:**

With five members of the Board present, a quorum was established.

CONSIDERATION OF AGENCY SUBORDINATE RECOMMENDATIONS:

CLOSED MEETING:

Ms. Lindsay moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 9:05 A.M., for the purpose of consideration of agency subordinate recommendations. Additionally, Ms. Lindsay moved that Ms. Power, Ms. Mitchell, Ms. Graham Mr. Casway and Ms. Williams attend the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Board in its deliberations. The motion was seconded and carried unanimously.

RECONVENTION:

The Board reconvened in open session at 9:45 A.M.

Ms. Lindsay moved that the Board of Nursing certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened. The motion was seconded and carried unanimously.

Dorothy P. Veney, C.N.A. 1401-023881

Ms. Veney did not appear.

Ms. Lane moved to accept the recommended decision of the agency subordinate to revoke the nurse aide certificate of Dorothy Veney and enter a finding of abuse in the Nurse Aide Registry. The motion was seconded and carried unanimously.

LaTosha S. Blake, C.N.A. 1401-082663

Ms. Blake did not appear.

Ms. Lane moved to accept the recommended decision of the agency subordinate to revoke the nurse aide certificate of LaTosha Blake and enter a finding of misappropriation of patient property in the Nurse Aide Registry. The motion was seconded and carried unanimously.

Luz M. Soto, C.N.A. 1401-132348

Ms. Soto did not appear.

Ms. Lane moved to accept the recommended decision of the agency subordinate to indefinitely suspend the nurse aide certificate of Luz Soto for a period of not less than two years and until such time as she is able to appear before the Board and provide sufficient evidence that she is safe and competent to practice. The motion was seconded and carried unanimously.

Cynthia L. Dixon, C.N.A. 1401-052163

Ms. Dixon did not appear.

Ms. Piersall moved that the Board of Nursing accept the recommended decision of the agency subordinate to revoke the nurse aide certification of Cynthia Dixon and enter a finding of abuse in the Nurse Aide Registry.

The motion was seconded and carried. Ms. Lindsay, Ms. Holmes, Ms. Lane and Ms. Piersall were in favor of the motion. Ms. Jones-Clarke opposed the motion.

Berthia Kirven, C.N.A. 1401-029652

Ms. Kirven did not appear.

Ms. Piersall moved that the Board of Nursing accept the recommended decision of the agency subordinate to revoke the nurse aide certification of Berthia Kirven and enter a finding of abuse in the Nurse Aide Registry. The motion was seconded and carried unanimously.

Jesus Tanega, R.N. 0001-169635

Mr. Tanega did not appear.

Ms. Holmes moved that the Board of Nursing modify the recommended decision of the agency subordinate to reprimand Jesus Tanega and to indefinitely suspend the professional nursing license of Mr. Tanega with said suspension to be stayed contingent upon Mr. Tanega remaining in compliance with the terms of the contract with the Health Practitioners Monitoring Program. The motion was seconded and carried unanimously.

Teresa McAdory, L.P.N. 0002-049526

Ms. McAdory did not appear.

Ms. Lane moved that the Board of Nursing modify the recommended decision of the agency subordinate to indefinitely suspend the practical nursing license of Teresa McAdory for not less than two years and until such time as she is able to appear before the Board and provide sufficient evidence that she is safe and competent to practice

The motion was seconded and carried unanimously.

FORMAL HEARINGS: **Angela L. Legans, R.M.A. 0031-002956**

Ms. Legans did not appear.

James Rutkowski, Adjudication Specialist, represented the Commonwealth. Mr. Casway was legal counsel for the Board. Wanda Blanks, court reporter, recorded the proceedings.

Carole Crutchfield, Senior Investigator, Department of Health Professions was present and testified.

CLOSED MEETING: Ms. Lindsay moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 10:10 A.M., for the purpose of deliberation to reach a decision in the matter of Ms. Legans. Additionally, Ms. Lindsay moved that Ms. Power, Ms. Mitchell, Ms. Graham, Ms. Williams and Mr. Casway attend the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Board in its deliberations.

The motion was seconded and carried unanimously.

RECONVENTION: The Board reconvened in open session at 10:20 A.M.

Ms. Lindsay moved that the Board of Nursing certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened.

The motion was seconded and carried unanimously.

Ms. Piersall moved that the Board of Nursing accept the findings of fact as presented by Ms. Rutkowski and amended by the Board.

The motion was seconded and carried unanimously.

ACTION: Ms. Lane moved that the Board of Nursing revoke the medication aide registration of Angela Legans. The motion was seconded and carried unanimously.

This decision shall be effective upon the entry by the Board of a written Order stating the findings, conclusions, and decision of this formal hearing panel.

FORMAL HEARINGS: **Cynthia M. Smith, C.N.A. 1401-063579**

Ms. Smith appeared.

James Rutkowski, Adjudication Specialist, represented the Commonwealth. Mr. Casway was legal counsel for the Board. Wanda Blanks, court reporter, recorded the proceedings.

Patrice Harte-Byers Senior Investigator, Department of Health Professions; Tina Brodowski, Therapeutic Recreation Assistant, Envoy of Williamsburg were present and testified.

CLOSED MEETING: Ms. Lindsay moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 12:15 P.M. for the purpose of deliberation to reach a decision in the matter of Ms. Smith. Additionally, Ms. Lindsay moved that Ms. Power, Ms. Mitchell, Ms. Graham, Ms. Williams and Mr. Casway attend the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Board in its deliberations.
The motion was seconded and carried unanimously.

RECONVENTION: The Board reconvened in open session at 12:45 P.M.

Ms. Lindsay moved that the Board of Nursing certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened.
The motion was seconded and carried unanimously.

Ms. Lane moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Mr. Rutkowski and amended by the Board.
The motion was seconded and carried unanimously.

ACTION: Ms. Holmes moved that the Board of Nursing issue an Order of reprimand to Cynthia Smith.
The motion was seconded and carried. Ms. Jones-Clarke, Ms. Lindsay, Ms. Holmes and Ms. Lane were in favor of the motion. Ms. Piersall opposed the motion.

This decision shall be effective upon the entry by the Board of a written Order stating the findings, conclusions, and decision of this formal hearing panel.

RECESS: The Board recessed at 12:50 P.M.

RECONVENTION: The Board reconvened at 1:35 P.M.

FORMAL HEARINGS: **Rhonda Greene, C.N.A. 1401-118535**
Ms. Greene did not appear.

Amanda Blount, Adjudication Specialist, represented the Commonwealth. Mr. Casway was legal counsel for the Board. Wanda Blanks, court reporter, recorded the proceedings.

Sherry Foster, Senior Investigator, Department of Health Professions; Janelle Stafford, L.P.N., Visiting Angels; Sharon Jones, R.N., Visiting Angels were present and testified.

Ms. Williams left the meeting.

CLOSED MEETING: Ms. Lindsay moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 2:20 P.M. for the purpose of deliberation to reach a decision in the matter of Ms. Greene. Additionally, Ms. Lindsay moved that Ms. Power, Ms. Mitchell, Ms. Graham and Mr. Casway attend the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Board in its deliberations. The motion was seconded and carried unanimously.

RECONVENTION: The Board reconvened in open session at 2:45 P.M.

Ms. Lindsay moved that the Board of Nursing certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened. The motion was seconded and carried unanimously.

Ms. Lane moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Ms. Blount and amended by the Board. The motion was seconded and carried unanimously.

ACTION: Ms. Lindsay moved that the Board of Nursing revoke the nurse aide certification of Rhonda Greene and enter a finding of misappropriation of patient property and neglect in the Nurse Aide Registry. The motion was seconded and carried unanimously.

This decision shall be effective upon the entry by the Board of a written Order stating the findings, conclusions, and decision of this formal hearing panel.

FORMAL HEARINGS: **Amanda L. Britt, L.P.N. 0002-074701**
Ms. Britt did not appear.

Amanda Blount, Adjudication Specialist, represented the Commonwealth. Mr. Casway was legal counsel for the Board. Wanda Blanks, court reporter, recorded the proceedings.

Kim Martin, Senior Investigator, Department of Health Professions was present and testified.

CLOSED MEETING: Ms. Lindsay moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 3:23 P.M. for the purpose of deliberation to reach a decision in the matter of Ms. Britt. Additionally, Ms. Lindsay moved that Ms. Power, Ms. Mitchell, Ms. Graham and Mr. Casway

attend the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Board in its deliberations.
The motion was seconded and carried unanimously.

RECONVENTION:

The Board reconvened in open session at 3:37 P.M.

Ms. Lindsay moved that the Board of Nursing certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened.

The motion was seconded and carried unanimously.

Ms. Lane moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Ms. Blount and amended by the Board.

The motion was seconded and carried unanimously.

ACTION:

Ms. Holmes moved that the Board of Nursing indefinitely suspend the practical nursing license of Amanda Britt until such time as she is able to appear before the Board and provide sufficient evidence that she is safe and competent to practice

The motion was seconded and carried unanimously.

This decision shall be effective upon the entry by the Board of a written Order stating the findings, conclusions, and decision of this formal hearing panel.

FORMAL HEARINGS:

Grayson Savage, R.N. Privilege

Ms. Savage did not appear.

Wendell Roberts, Adjudication Specialist, represented the Commonwealth. Mr. Casway was legal counsel for the Board. Wanda Blanks, court reporter, recorded the proceedings.

Janice Fleming, Senior Investigator, Department of Health Professions; Catherine Buscarino, R.N., Branch Manager, Personal Touch Home Care of Virginia (Williamsburg) were present and testified.

CLOSED MEETING:

Ms. Lindsay moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 4:15 P.M. for the purpose of deliberation to reach a decision in the matter of Ms. Savage. Additionally, Ms. Lindsay moved that Ms. Power, Ms. Mitchell, Ms. Graham and Mr. Casway attend the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Board in its deliberations.

The motion was seconded and carried unanimously.

RECONVENTION:

The Board reconvened in open session at 4:25 P.M.

Ms. Lindsay moved that the Board of Nursing certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened.

The motion was seconded and carried unanimously.

Ms. Piersall moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Mr. Roberts and amended by the Board.
The motion was seconded and carried unanimously.

ACTION:

Ms. Holmes moved that the Board of Nursing revoke the privilege of Grayson Savage to practice in Virginia.
The motion was seconded and carried unanimously.

This decision shall be effective upon the entry by the Board of a written Order stating the findings, conclusions, and decision of this formal hearing panel.

ADJOURNMENT:

The Board adjourned at 4:27 P.M.

Gloria D. Mitchell, R.N., M.S.N., M.B.A.
Deputy Executive Director